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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/477,042	12/31/1999	HENRY JOHN HUMMEL JR.	15-SV-5359	8637

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EXAMINER

DEMICO, MATTHEW R

ART UNIT PAPER NUMBER

2611

DATE MAILED: 02/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

### Application No.

09/477,042

### Applicant(s)

HUMMEL JR. ET AL.

### Examiner

Matthew R Demicco

### Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 12 November 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-3,5-9 and 19-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3,5-9 and 19-28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Response to Amendment***

1. This action is responsive to a Request for Continued Examination, filed 11/12/2004.

Claims 1-3, 5-9 and 19-28 are pending. Claims 1, 5, 9, 19 and 22-23 are amended. Claims 4 and 10-18 are canceled.

### ***Response to Arguments***

2. Applicant's arguments filed with respect to the amended claims have been fully considered but they are not persuasive. Applicant argues that Sawa neither discloses nor suggests that the video data is delivered in response to authentication of the client terminal. The Examiner points out that Applicant has not claimed the video data being delivered in response to authentication, but rather has claimed that video data is delivered in response to a request made by the client and that the server declines to retrieve video data if the client identified does not have a subscription. Sawa clearly discloses that a "service request" is made that includes identification data (Col. 4, Lines 25-40). This clearly reads on the claimed video request identifying a source system identifier identifying the client. In combination with Levy in view of Ramshaw, the client is a medical diagnostic scanning system.

Sawa further discloses that upon authentication of the client's identification data from the service request, the server will accept or not accept entry of the client (Col. 4, Lines 40-45). Only if the requesting client is authenticated will the video data server delivers video data to the client (Col. 3, Lines 54-58). This clearly reads on the claimed in response to receipt of request and identifier at the central service facility, verifying whether the client (in this case, the medical

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diagnostic system) identified by the identifier has a valid subscription and declining to retrieve data if there is no valid subscription.

Applicant further argues that Sawa teaches that “the identity of the requesting client is authenticated by the client management server 4” and that this is in contrast to the requested video being made available to the client if the client system identified has a subscription. The Examiner does not see how this cited passage is relevant. Sawa clearly teaches that a client request to a server for data is honored (data is made available to the client) if the client system identified is authenticated (has a subscription) as stated above. In combination with Levy in view of Ramshaw, the client is a medical diagnostic scanning system and the request is for training video data delivered from a video server.

***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claim 22 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

5. Claim 22 recites the limitation "said license server" in Line 8. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-3, 5-9 and 19-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,449,001 to Levy et al. in view of U.S. Patent No. 5,791,907 to Ramshaw et al. and further in view of U.S. Patent No. 6,477,708 to Sawa.

Regarding Claims 1-3, Levy discloses a method for video conferencing including a central service facility connected to any number of remote sites via a network (See Figure 1). Furthermore the system of Levy is based on a personal computer (Col. 5, Lines 11-45) and is used in conjunction with various medical diagnostic scanning devices (Col. 2, Lines 9-14) for the purpose of, among other things, technical and technique monitoring and training (Col. 6, Lines 54-67). Further, Levy discloses that the invention may be a direct link between the medical apparatus and the portable computer at the remote site (Col. 4, Lines 54-57). This direct connection between the computer and the scanning device reads on the claimed provision of software on medical diagnostic scanning systems as it is well known in the art that a single computer device may replicate the functionality of two or more interconnected computer devices that share data via a communication path. Levy does not, however, disclose a method by which a specific training video is selected, requested, and transmitted from the central service facility to the medical diagnostic scanning system.

Ramshaw discloses an interactive medical training device based on a personal computer system with a display and a speaker wherein the user can select and receive high resolution video displays with prerecorded video segments and photographic images (Col. 7, Lines 33-41) from a local source (Col. 6, Lines 23-25) or a remote server over a network (Col. 7, Lines 1-7). It is well understood in the art that in such a client-server relationship (See Figure 1B and Col. 8, Lines 21-32), when the client makes a request for content of the server, the server retrieves the data from its storage device and sends the data across the network to the client. The client, upon receipt of the data, in this case a video segment, plays back the data in a video window as shown in Figure 4A. Ramshaw is evidence that ordinary workers in the art would recognize the benefits of computer-based video training in a medical environment. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made would include the client/server video-on-demand training system of Ramshaw with the medical diagnostic scanning system teleconferencing training system of Levy in order to facilitate "off-line" distance learning to a plurality of users at a lower cost and higher availability than that of live instructor training. This reads on the claimed selecting a training video via an operator input to the medical diagnostic scanning system, sending a request from the system to the central service facility via the network where the video request comprises an identifier identifying the selected training video. What Levy in view of Ramshaw do not disclose, however, is a source system identifier in the video request identifying the medical diagnostic scanning system and the central service facility, in response to receipt of the request and identifier, verifying whether the medical system identified has a valid

subscription and declining to retrieve data if the system identified by the identifier does not have a valid subscription.

Sawa discloses a bi-directional communication system using a client-server model whereby video information is transmitted over a network to a plurality of client terminals from a centralized server. Sawa further discloses that a “service request” is made that includes identification data (Col. 4, Lines 25-40). It is inherent that in order for the client to send such identification data in the service request that it must be stored in memory. This clearly reads on the claimed video request (service request) identifying a source system identifier (identification data) identifying the client. Upon authentication of the client’s identification data from the service request, the server will accept or not accept entry of the client (Col. 4, Lines 40-45). Only if the requesting client is authenticated will the video data server deliver video data to the client (Col. 3, Lines 54-58). This clearly reads on the claimed in response to receipt of request and identifier at the central service facility, verifying whether the client (in this case, the medical diagnostic system) identified by the identifier has a valid subscription and declining to retrieve data if there is no valid subscription. Sawa is evidence that ordinary workers in the art would appreciate the ability to authenticate users in a networked video transmission system. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to use the authentication server of Sawa with the medical diagnostic scanning video training system of Levy in view of Ramshaw in order to prevent unauthorized access to sensitive, copyrighted, or subscription based media content.

Regarding Claim 5, see Claim 1 above. Ramshaw discloses a plurality of clients (See Figure 1B). This reads on the claimed multiplicity of remote systems. Ramshaw further discloses an interactive medial training system that utilizes a graphical user interface for selecting a training video (See Figures 3A and 7A).

Regarding Claim 6, see Claim 2 above.

Regarding Claim 7, Levy in view of Ramshaw and further in view of Sawa disclose a system as stated above in Claim 6. Ramshaw further discloses that video data may be stored on a remote server (Col. 8, Lines 26-32). This reads on the claimed memory for storing the video database. It is inherent that the video database be accessed in order to retrieve the video data for playback to a client.

Regarding Claim 8, Levy in view of Ramshaw and further in view of Sawa disclose a system as stated above in Claim 6. Ramshaw further discloses an interactive medical training device as stated above based on a personal computer system with a display and a speaker wherein the user can select, receive and play back high resolution video displays with prerecorded video segments and photographic images (Col. 7, Lines 33-41) from a local source (Col. 6, Lines 23-25) or a remote server over a network (Col. 7, Lines 1-7). The system of Ramshaw discloses a video/audio player for displaying the video data on the display screen (See Figure 4A) and audio to the user (Col. 6, Lines 13-14).

Regarding Claim 9, Levy in view of Ramshaw and further in view of Sawa disclose a system as stated above in Claim 5. Sawa further discloses a bi-directional communication system using a client-server model whereby video information is



transmitted over a network to a plurality of client terminals from a centralized server. A dedicated authentication server (See Figure 1, Client Management Server 4) validates an authentication request message (Col. 4, Lines 25-40) sent via the network in the client's service request message. If a client is accepted, a message is sent to the video server (application server) indicating that the client has a valid subscription (Col. 7, Lines 13-22). What is not disclosed, however, is that the application server coupled to the license server is programmed to decline the video request if the license server communicates that the client identified by the identifier does not have a valid subscription. Official Notice is hereby taken that it is well known in the art that a server may deny a client access based on an access server indicating that the client does not have a valid subscription. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system of Levy in view of Ramshaw and further in view of Sawa with the license server communicating to the application server when a client does not have a valid subscription of the well-known prior art such that the video server (application server) may transmit subscription information or preview data to potential subscriber who is not yet registered.

Regarding Claims 19-20, see Claims 5-6 above.

Regarding Claim 21, see claim 2 above.

Regarding Claim 22, as best understood by the Examiner, see Claim 9 above.

Regarding Claim 23, see Claims 5 and 2 above.

Regarding Claim 24, see Claim 2 above. Ramshaw further discloses a video library comprising a video database and server (Col. 8, Lines 26-32).

Regarding Claims 25-28, Levy in view of Ramshaw and further in view of Sawa disclose a system and method as stated above in Claims 2, 6, 20 and 24. Ramshaw further discloses a video library (See Figure 2) comprising training videos (See Figures 7-9) showing how to perform patient examinations.

### *Conclusion*

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- a. U.S. Patent No. 5,619,249 to Billock et al. discloses a video on demand system wherein a subscriber transmits a request including a unique station ID that identifies their terminal and the telecasting facility determines authentication based on the ID and transmits a subscriber confirmation signal or a non-subscriber confirmation signal.
- b. U.S. Patent No. 6,684,400 to Goode et al. discloses a video on demand service wherein each terminal has an identification number stored in memory that is provided to the video session manager for authorization. If the client does not have an active subscription, a subscription information screen is presented.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew R Demicco whose telephone number is (703) 305-8155.

The examiner can normally be reached on Mon-Fri, 9am - 5pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Grant can be reached on (703) 305-4755. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*MRD*

mrd

February 14, 2005

A handwritten signature in cursive script, appearing to read 'HAITRAN', is written over two horizontal lines.

**HAITRAN**  
**PRIMARY EXAMINER**